IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2709 OF 2005
IN
APPEAL NO.751 OF 2005
IN
SUMMONS FOR JUDGMENT NO.702 OF 2003
IN
SUMMARY SUIT NO.3867 OF 2001

Subhashchandra D. Kachara. ...Appellant
V/s.
Motilal K. Jain. ...Respondent

Mr.Swapnil Bango with Ms.Sangeeta Pal i/b. M/s.Pillai & Co. for Appellant.
Mr.S.N. Vaishnawa i/b.N.N. Vaishnawa for Respondent.

CORAM : H.L. GOKHALE AND
SMT.R.S. DALVI, JJ.
DATED : OCTOBER 26, 2005

P.C. :-

. Heard learned Counsel for the parties.

. All that the learned Single Judge has done is to direct the appellant-original defendant to deposit the amount of Rupees Seven lakhs which has been confirmed by him by written document. Such a suit would be squarely available on the basis of written contract under Order XXXVII Rule 2 of CPC. No reason to interfere. Appeal dismissed. Appellant may deposit the amount within four weeks.

(H.L. GOKHALE, J.)

(SMT.R.S. DALVI, J.)